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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,061	04/20/2000	Richard R. Reisman	RRR-00-006US	5602

7590 11/21/2001

Westerlund & Powell PC  
122 N Alfred Street  
Alexandria, VA 22314-3011

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 11/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/556,061

Applicant(s)

REISMAN, RICHARD R.

Examiner

Tammara R Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-67 are pending for application 09/553,336 filed on 04/20/00.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-67 rejected under 35 U.S.C. 103(a) as being unpatentable over *Crawford*, patent number 5,771,354.

2. As per claims 1, 3, 6-11, 14-21, 23, 25, 28-40, 42, 44, 47-50, 52, 55-58, 61, 62, and 64-66, *Crawford* teaches of a method for distributing information to a plurality of uncoordinated user stations each of which is configured for communications with a multiplicity of independently-operated servers via a non-proprietary network, comprising:

providing a distribution service [Online Service System, 100, Fig.1] that distributes updates for a plurality of different products [col. 14, lines 17-col. 15, lines 1-55]; and

providing a transporter software component [inherent] to each of the plurality of uncoordinated user stations [50, Fig. 1], wherein the transporter software component at each user station automatically effects communication sessions with the distribution service via the non-

proprietary network for the purpose of obtaining updates for each of at least a subset of the plurality of different products that are installed on that user station.

3. *Crawford* teaches of a system allowing the customer to sign up for service over the first online Internet session, including establishing a customer identifier and associated password. The customer specific information is inherently inputted from the customer terminal and transported to the service provider. Specifically, *Crawford* teaches a method of a send object that contains user information entered during the install process and a method of a fetch object for downloading updated data via the information distribution server [Col. 2, 3, col. 28, lines 21-col. 30, lines 16-65, col. 58, lines 18-19, 24-26, col. 38, lines 19-23, col. 36, lines 11-17, col. 60, lines 25-29 and col. 46, lines 1-6]

4. As per claims 2, 22, 24, 41, 43, 51, and 67, *Crawford* does not expressly teach the plurality of different products available are vended by different vendors. However, it would have been obvious to one of ordinary skill that *Crawford* system is not limited to a specific product because the system provides a Software Update Service that much be constantly upgraded to meet with changing demands.

5. As per claims 4, 5, 12, 13, 26, 27, 45, 46, 53, 54, 59, 60, and 63, *Crawford* teaches of providing a Software Update Services that automatically determines via an inherent schedule when the software or data needs to be updated. It would have been obvious to one of ordinary

skill that depending upon the particular software installed the schedule would change accordingly.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Faxes for formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7238,

or, for informal or draft communications, to:

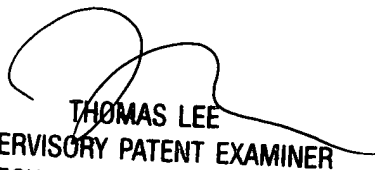
(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Tammara Peyton

November 19, 2001

  
THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100